



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INVESCO INSTITUTIONAL (N.A.), INC.,

Plaintiff,

-against-

DEUTSCHE INVESTMENT MANAGEMENT :
AMERICAS INC., :

Defendant. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

SUMMARY ORDER

07 Civ. 2622 (AKH)

The parties appeared before me on May 15, 2007 for oral argument on Defendant's motion to dismiss pursuant to Rule 12(b)(6), Fed. R. Civ. P. For the reasons stated on the record, the motion to dismiss Plaintiff's federal Lanham Act claim, appearing as Count Five in the complaint and first amended complaint,¹ is GRANTED, and I decline to exercise supplemental jurisdiction over Plaintiff's remaining state law claims. See 28 U.S.C. § 1367(c).

Plaintiff's motion to transfer venue pursuant to 28 U.S.C. § 1404(a), and Plaintiff's motion for a preliminary injunction pursuant to Rule 65, Fed. R. Civ. P., are DENIED as moot. The Clerk shall mark this case as closed.

SO ORDERED.

Dated: May 16, 2007
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge

¹ Defendant argues that Plaintiff's "First Amended Complaint," dated May 9, 2007, should not be considered by the Court. For the purposes of this order, I accept the first amended complaint as properly filed, and grant the motion to dismiss the federal claim it asserts.